HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI

Writ Petition No. 9884 of 2005

Between:

Gaddam Ramachandra Reddy & others

… Petitioners

And

Union of India,
Rep. by its Deputy Secretary,
Ministry of Home Affairs,
New Delhi & another

… Respondents

:: O R D E R ::

Counsel for the petitioners : Shri Subba Rao Korrapati

Counsel for respondent No.1 : Shri A. Rajashekar Reddy,
Assistant Solicitor General

Counsel for respondent No.2: Government Pleader for Revenue

June 20, 2007

The petitioners' claim for grant of pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short, 'the 1980 Scheme') has been opposed by the Union of India on the ground that the applications were not sent through the Government of Andhra Pradesh and, on that account, the latter could not submit verification report

along with appropriate recommendations.

Shri Subba Rao Korrapati, learned counsel appearing for the petitioners says that his clients may be granted liberty to submit applications to the competent authority of the Government of Andhra Pradesh and a direction be issued to the respondents to decide their claim within a specified timeframe.

Shri A. Rajashekar Reddy, learned Assistant Solicitor General and learned Government Pleader for Revenue representing respondent No.2 say that they will have no objection, if the petitioners make fresh applications to the Government of Andhra Pradesh. Learned counsel for the respondents also stated that if the petitioners make such applications and produce documentary evidence in support of their claim, then the same will be processed and decided in accordance with law.

In view of the statements made by the learned counsel for the parties, the writ petition is disposed of in the following terms:

(1) Within two months from today, the petitioners may submit applications along with necessary documents to the competent authority of the Government of Andhra Pradesh for grant of pension under the 1980 Scheme.

(2) Within two months of the receipt of the petitioners' applications, the competent authority of the Government of Andhra Pradesh, Revenue (Freedom Fighters Division) shall consider the same and make appropriate recommendations to the Government of India, Ministry of Home Affairs.

(3) Within two months of the receipt of the recommendations from the Government of Andhra Pradesh, the competent authority of the Government of India shall decide the eligibility and entitlement of the petitioners to receive pension under the 1980 Scheme.

(4) If the Government of Andhra Pradesh and/or Government of India comes to the conclusion that the petitioners are not

entitled to receive pension under the 1980 Scheme by being treated as freedom fighters, then such decision shall be communicated to them by registered post.

As a sequel to disposal of the writ petition, W.P.M.P.No.12859 of 2005 filed by the petitioners for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

20.06.2007

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